IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.PADMANABHAN NAIR

FRIDAY, THE 13TH APRIL 2007 / 23RD CHAITHRA 1929

RP.No. 326 of 2007(H)

AGAINST THE JUDGEMENT/ORDER IN WPC.5327/2007
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REVIEW PETITIONER:

DR. VISWANATHAN, S/O. NARAYANAN VAIDYAN,
KANJANTHU BANGLAVU, MUKKOLAKKAL
P.O., TRIVANDRUM, (MEMBER NO.230,
TRIVANDRUM AYURVEDA OUSHADHA NIRMANA
VYAVASAYA CO-OPERATIVE SOCIETY LTD.
NO. SIND(T) 254

BY ADV. SRI.N.K.SUBRAMANIAN
SRI.S.ANANTHAKRISHNAN

RESPONDENTS: REVIEW PETITIONER/PETITIONER
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1. TRIVANDRUM AYURVEDA OUSHADHA NIRMANA VYAVASAYA CO-OPERATIVE SOCIETY LTD., NO.SIND(T)254, KANNETHUMUKKU, THAIKAD, THIRUVANANTHAPURAM, REPRESENTED BY ITS SECRETARY.

2. THE RETURNING OFFICER, TRIVANDRUM AYURVEDA OUSHADHA NIRMANA VYAVASAYA CO-OP. SOCIETY LTD., NO.SIND (T)254, JUNIOR CO-OP. INSPECTOR, OFFICE OF THE TALUK INDUSTRIES OFFICE, THIRUVANANTHAPURAM.

3. THE DEPUTY REGISTRAR OF CO-OPERATIVE SOCIETIES, DISTRICT INDUSTRIES CENTER, THIRUVANANTHAPURAM.

BY ADV. SENIOR GOVT.PLEADER

THIS REVIEW PETITION HAVING COME UP FOR ADMISSION ON 13/04/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

K. PADMANABHAN NAIR, J.

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R.P. NO. 326 OF 2007

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Dated this the 13th day of April, 2007

O R D E R

This Review Petition is filed to review the final judgment passed in W.P(C) No.5327 of 2007. Petitioner is a member of the Thiruvananthapuram Ayurveda Oushada Nirmana Vyavasaya Co-operative Society Ltd. According to the petitioner he filed a nomination, but that was suppressed by the Returning Officer. When the Writ Petition came up for hearing, it was submitted by the learned Government Pleader, on instructions, that for getting a nomination paper, a person will have to sign in a register kept for that purpose and the petitioner did not obtain any nomination paper. It is also submitted that 11 persons approached the Society and they were supplied with the nomination papers and all of them had signed in the register. Petitioner submitted that there is no such practice of affixing signature in the register for getting a nomination paper. It is submitted that the rules also does not provide that to obtain a nomination paper a person shall

affix his signature in a register. Petitioner produced Annexures A and B dated 19.2.2007. It was stated that petitioner and another person received nomination papers on 9.2.2007 and they have filed the same on 12.2.2007.

2. Since there is dispute regarding the filing and receiving of the nomination paper, I am of the view that the matter can be resolved only in an election petition. It is also open to the parties to produce evidence before the competent authority regarding the procedure for filing of nomination paper, if any. The petitioner can produce Annexures A and B also before that authority.

Review Petition is closed without prejudice to the right of the petitioner to file election petition and adduce evidence.

K. PADMANABHAN NAIR, JUDGE.

vsv

K. PADMANABHAN NAIR, J.

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M.F.A. NO. OF

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J U D G M E N T

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13TH APRIL, 2007